

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KAREEM HASSAN MILHOUSE,**  
**Plaintiff**

**v.**

**FRANCIS FASCIANA, et al.,**  
**Defendants**

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**No. 1:14-cv-01973**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 21st day of May 2018, upon consideration of Plaintiff's motion to reinstate (Doc. No. 131), and motion for an extension of time to file a brief in opposition to Defendants' motion for summary judgment (Doc. No. 130), and having observed that Defendants filed a motion for summary judgment (Doc. No. 89), raising the issue of whether Plaintiff has exhausted his administrative remedies in accordance with the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), and it further appearing that consideration of this issue compels the Court to consider matters outside the pleadings, and that it is therefore appropriate to provide the parties notice and an opportunity to be heard on this issue, see Paladino v. Newsome, 885 F.3d 203 (3d Cir. 2018); Small v. Camden Cty., 728 F.3d 265 (3d Cir. 2013), **IT IS**

**ORDERED THAT:**

1. Plaintiff's motion to reinstate (Doc. No. 131), is **DENIED**;
2. Plaintiff's motion for an extension of time to file a brief in opposition to Defendants' motion for summary judgment (Doc. No. 130), is **GRANTED in part** as follows. Plaintiff shall be afforded sixty (60) days from the date set forth below in which to file a brief in opposition and statement of material facts in accordance with Local Rule 56.1;
3. Within fourteen (14) days from the date of this Order, Defendants shall amend or supplement their brief and statement of material facts to address the issue of whether Plaintiff has exhausted his administrative remedies and present materials pertinent to the issue that are not currently before the Court; and

4. Within sixty (60) days from the date that Defendants file their amended or supplemental materials, Plaintiff shall file a brief in opposition and statement of material facts specifically responding to the numbered paragraphs in Defendants' statement. See Local Rule 56.1. Plaintiff shall specifically address the issue of whether he has exhausted his administrative remedies and present materials pertinent to this issue.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania